

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

DAVID BRIAN MORGAN,

Plaintiff,

v.

Case No. 24-CV-263-JFH-DES

JOE BIDEN, et al.,

Defendant.

OPINION AND ORDER

Plaintiff David Brian Morgan (“Morgan”) is a pro se prisoner in the custody of the Oklahoma Department of Corrections (“ODOC”), who is incarcerated at Joseph Harp Correctional Center (“JHCC”) in Lexington, Oklahoma. Dkt. No. 1. He filed this civil rights complaint pursuant to 42 U.S.C. 1983, alleging it is a class action for 25,000 Oklahoma inmates. *Id.* at 1. Morgan has named the following defendants: President Joe Biden, Oklahoma Governor Kevin Stitt, ODOC Director Steven Harpe, JHCC Warden David Rogers, ODOC Captain Lester Wright, and the Federal Bureau of Prisons. *Id.* at 3-4.

Morgan alleges the defendants have denied him his First Amendment right of access to the courts, his Fifth Amendment rights regarding the State’s jurisdiction, his Eighth Amendment rights regarding cruel and unusual punishment, and his Fourteenth Amendment right to due process. He also cites the Americans with Disabilities Act and the Rehabilitation Act. *Id.* at 5. In addition, he is apparently claiming that the State of Oklahoma and the ODOC never complied with the “action plan” set forth in the *Battle* case.¹ *Id.* at 6.

¹ **Error! Main Document Only.** The *Battle* case, now cited as *Williams v. Saffle*, No. CIV 72-095-JHP (E.D. Okla. Jan. 30, 2001), has been closed for all purposes.

A civil action may be brought in--

(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; [or]

(2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred,

28 U.S.C. § 1391(b)(1)-(2).

Morgan alleges that most of the defendants are located in Lexington, Oklahoma, or Oklahoma City, Oklahoma [Dkt. No. 1 at 2-4], which are located respectively in Cleveland County and Oklahoma County. Those two counties are within the territorial jurisdiction of the Western District. *See* 28 U.S.C. § 116(c). Morgan's facility also is located within the Western District.

After careful review, the Court finds proper venue does not lie in this district, and the case should be transferred to the Western District of Oklahoma.

IT IS THEREFORE ORDERED that this action is transferred in the interest of justice to the United States District Court for the Western District of Oklahoma. *See* 28 U.S.C. § 1406(a).

Dated this 11th day of September 2024.


JOHN F. HEIL, III
UNITED STATES DISTRICT JUDGE